

MONDAY, JANUARY 27, 1992

SEVENTH LEGISLATIVE DAY

FIRST EXTRAORDINARY SESSION

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Bob Curtis, Southside Baptist Church, Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Anderson; due to family/personal business.

Representative Tullos; due to previous commitment in district.

ENROLLED BILLS
January 23, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s)

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No(s). 18; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
January 23, 1992

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 18.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
January 23, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 33; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED
January 23, 1992

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 33.

COMMUNICATIONS

January 27, 1991

Chief Clerk's Office
Tennessee House of Representatives
Capitol
Nashville, TN 37219

RE: Amendment to Proposed Tennessee Rules of Appellate Procedure

Dear Sir:

Attached hereto please find a certified copy of an order signed by the Honorable Lyle Reid, Chief Justice of the Tennessee Supreme Court, dated and filed January 24, 1992, in the office of A. B. Neil, Jr., Clerk of the Supreme Court in Nashville, Tennessee.

Pursuant to Tennessee Code Annotated §16-3-402, et seq., on behalf of the Chief Justice of the Supreme Court of Tennessee, I hereby file with your office said order.

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If you have any questions, please advise.

With kindest personal regards, I remain

Very Sincerely Yours,
/s/CLETUS W. McWILLIAMS
Executive Secretary
Tennessee Supreme Court

January 27, 1992

Chief Clerk's Office
Tennessee House of Representatives
Capitol
Nashville, TN 37219

RE: Amendment to Proposed Tennessee Rules of Evidence

Dear Sir:

Attached hereto please find a certified copy of an order signed by the Honorable Lyle Reid, Chief Justice of the Tennessee Supreme Court, dated and filed January 24, 1992, in the office of A. B. Neil, Jr., Clerk of the Supreme Court in Nashville, Tennessee.

Pursuant to Tennessee Code Annotated §16-3-402, et seq., on behalf of the Chief Justice of the Supreme Court of Tennessee, I hereby file with your office said order.

If you have any questions, please advise.

With kindest personal regards, I remain

Very Sincerely yours,
/s/CLETUS McWILLIAMS
Executive Secretary
Tennessee Supreme Court

January 27, 1992

Chief Clerk's Office
Tennessee House of Representatives
Capitol
Nashville, TN 37219

RE: Amendment to Proposed Tennessee Rules of Civil Procedure

Dear Sir:

Attached hereto please find a certified copy of an order signed by the Honorable Lyle Reid, Chief Justice of the Tennessee Supreme

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Court, dated and filed January 24, 1992, in the office of A. B. Neil, Jr., Clerk of the Supreme Court in Nashville, Tennessee.

Pursuant to Tennessee Code Annotated §16-3-402, et seq., on behalf of the Chief Justice of the Supreme Court of Tennessee, I hereby file with your office said order.

If you have any questions, please advise.

With kindest personal regards, I remain

Very sincerely yours,
/s/CLETUS McWILLIAMS
Executive Secretary
Tennessee Supreme Court

CONSENT CALENDAR

House Joint Resolution No. 2 -- Memorials, Professional and Business Achievement -- Police Chief Bill Thomas of Alcoa, Law Enforcement Officer of the Year.

House Joint Resolution No. 5 -- Memorials, Death -- B.R. "Buck" Allison.

House Joint Resolution No. 7 -- Memorials, Sports -- Todd Helton, Gill Gideon Class AAA "Mr. Football".

House Joint Resolution No. 8 -- Memorials, Sports -- Powell High School football team.

House Joint Resolution No. 9 -- Memorials, Public Service -- Clark Akers, wetlands advocate.

House Joint Resolution No. 10 -- Memorials, Professional and Business Achievement -- Department of Safety, 1991 Vehicle Design competition winner. (On motion of Rep. Wix, all members voting aye were added as sponsors)

House Joint Resolution No. 11 -- Memorials, Death -- R. Lee Davis.

House Joint Resolution No. 12 -- Memorials, Death -- Robert Eskind.

House Joint Resolution No. 13 -- Memorials, Death -- Melville Barnes.

House Joint Resolution No. 14 -- Memorials, Sports -- Knoxville Central High School football team.

House Joint Resolution No. 15 -- Naming and Designating -- "Teen Challenge Day," January 26, 1992.

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House Joint Resolution No. 16 -- Memorials, Personal Occasion -- Mary Elizabeth Lee.

House Joint Resolution No. 17 -- Memorials, Personal Occasion -- Nellie Elizabeth Cope Fletcher, 100th birthday.

Senate Joint Resolution No. 1 -- Memorials, Death -- Carleen Batson Waller.

Senate Joint Resolution No. 2 -- Memorials, Death -- Tommy Lynn Augustin.

Senate Joint Resolution No. 4 -- Memorials, Death -- Sam Sapirie.

Senate Joint Resolution No. 5 -- Memorials, Sports -- Claiborne County High School football team.

Senate Joint Resolution No. 6 -- Memorials, Sports -- Clinton High School football team.

Senate Joint Resolution No. 7 -- Memorials, Death -- Joe M. Cox.

House Joint Resolution No. 19 -- Memorials, Heroism -- Mike Bailey, Tennessee Wildlife Resources Agency.

House Joint Resolution No. 20 -- Memorials, Sports -- Bill Tipps, Amateur Athletic Union Volunteer Hall of Fame.

Senate Joint Resolution No. 8 -- Memorials, Death -- Colonel Edward Honeycutt, Jr.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Riggsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell,

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Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Phillips announced that Calendar and Rules would meet on Thursday, January 29, 1992. He moved that the notice rule be suspended for bills coming out of standing committees this week; the motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

BILL RECALLED

Rep. Cole moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 6 from the Calendar and Rules Committee for immediate consideration, which motion prevailed.

House Joint Resolution No. 6 -- Naming and Designating -- Seabee Month, March 1992.

On motion of Rep. Cole, the resolution was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Joint Resolution No. 22 -- Memorials, Professional and Business Achievement -- Ralph Lindsey, "Property Assessor of the Year". by *Huskey, *Anderson.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 23 -- Memorials, Professional and Business Achievement -- Susan Taylor Featherston, Officer of the Year, Gibson County Police Department. by *Davis Ray.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 24 -- Memorials, Death -- S.L. Jones of Memphis. by *Turner L.

Referred by the Speaker to the Calendar and Rules Committee.

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House Joint Resolution No. 25 -- Constitutional Amendments -- Proposes limitation on sales tax increases. by *Kernell.

Referred by the Speaker to the State and Local Government Committee.

House Resolution No. 1 -- Memorials, Professional and Business Achievement -- Joseph Leon King II. by *Sipes, *Kisber.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 2 -- Memorials, Retirement -- Al Robertson. by *Sipes, *McDaniel, *Kisber.

Referred by the Speaker to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of concurring in Senate Joint Resolution No. 18, which motion prevailed.

Senate Joint Resolution No. 18 -- General Assembly, Adjournment, Recess -- Provides for recess beginning at close of business on January 23, 1992.

On motion of Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 34 -- Taxes, Sales -- Increases state sales tax rate from 5 1/2 to 6 percent from effective date of act until 1/1/93; allocates increased revenue to education, grades K-12. Amends TCA 67-6-103, 67-6-202--205, 221. by *Coffey.

Introduced; passed first consideration, with objection(s) by Rep(s). Phillips.

House Bill No. 35 -- Education, Higher -- Revises higher education law. Amends TCA, Title 49, Chs. 7--9, . by *Johnson, *Davis R E, *Haun, *Whitson, *Cross.

Introduced; passed first consideration.

House Bill No. 36 -- Education -- Enacts "Parent and Teacher Empowerment Act of 1992". Amends TCA, Title 49. by *Meyer, *Davis J K, *Niceley, *Williams M, *Gunnels, *Wood, *Stamps, *Hill, *Allen,

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***Peroulas Draper, *Sipes, Buck, McDaniel, Harrill.**

Introduced; passed first consideration.

House Bill No. 37 -- Local Education Agency -- Exempts Bedford, Lincoln, and Marshall counties from prohibition on using state funds to supplant local education funding. Amends TCA 49-2-203, 49-3-314. by *Phillips, *Fowlkes.

Introduced; passed first consideration.

House Bill No. 38 -- Education -- Enacts "Education Improvement Act of 1992". Same as *SB 47. Amends TCA, Titles 8, 49. by *Holcomb, *Hubbard.

Introduced; passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

***House Bill No. 16 -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.**

***House Bill No. 17 -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.**

***House Bill No. 18 -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.**

***House Bill No. 19 -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.**

***House Bill No. 20 -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.**

***House Bill No. 21 -- Tennessee Foundation Program -- Referred by the Speaker to the Education Committee.**

House Bill No. 22 -- Education -- Referred by the Speaker to the Education Committee.

***House Bill No. 23 -- Taxes, Privilege -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.**

***House Bill No. 24 -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.**

***House Bill No. 25 -- Taxes, Sales -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.**

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***House Bill No. 26** -- Education -- Referred by the Speaker to the Education Committee.

***House Bill No. 27** -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.

***House Bill No. 28** -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.

***House Bill No. 29** -- Children, Employment of -- Referred by the Speaker to the Education Committee.

***House Bill No. 30** -- Children, Employment of -- Referred by the Speaker to the Education Committee.

***House Bill No. 31** -- Taxes -- Referred by the Speaker to the State and Local Government Committee, with objection by Rep. Phillips.

***House Bill No. 32** -- Taxes, Sales -- Referred by the Speaker to the Finance, Ways and Means Committee, with objection by Rep. Phillips.

***House Bill No. 33** -- Gambling -- Referred by the Speaker to the State and Local Government Committee, with objection by Rep. Phillips.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
January 27, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday, February 3, 1992**: House Resolution(s) No(s). 1 and 2; also House Joint Resolution(s) No(s). 22, 23 and 24.

PHILLIPS, Chair.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber,

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Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Tuesday, January 28, 1992.